

In The United States District Court
For The Northern District Of Texas
Dallas Division

Marguerite Hoffman,

Plaintiff,

v.

L&M Arts, David Martinez and
Studio Capital, Inc.,

Defendants.

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Civil Action No. 3:10-cv-0953-D

REVISED JOINT STATUS REPORT

Pursuant to the Court's November 1, 2011 Amended Scheduling Order, Defendants hereby submit the following revised joint estimate of trial length and status report.

Estimate of Trial Length:

Plaintiff estimates that the trial will take two weeks, and Defendants estimate that the trial will take no more than two weeks and may take less than two weeks.

Status Report:

1. Discovery.

The parties have completed discovery with the following exceptions:

a. The 30(b)(6) depositions of Defendants Studio Capital, Inc. and L&M Arts have not been taken because those parties filed motions for protective order which have not yet been resolved by the Magistrate Judge (see Dkt. Nos. 221 and 230). The deposition of Nathalie Sutter has not been taken because it is subject to a pending motion to compel filed by Plaintiff (see Dkt. No. 231). Plaintiff's position is that Ms. Sutter is Studio Capital's "managing agent," and Studio Capital's position is that she is not. Studio Capital has not produced her for a

deposition in New York but has offered to make her available for deposition in Switzerland pursuant to the Hague Convention.

b. Various document discovery disputes have been submitted to the Magistrate Judge, but remain unresolved. Once those motions are resolved, additional fact discovery may be necessary.

c. Because of scheduling difficulties in May, the parties have agreed that the depositions of the three expert witnesses will occur in June.

2. Pleading.

As previously disclosed, Plaintiff intends to seek leave to file a third amended complaint updating the Plaintiff's allegations to reflect the results of fact discovery. A draft will be circulated to the Defendants this week and shortly thereafter to the Court either as an agreed or opposed amendment. Plaintiff does not anticipate that any additional discovery will be needed as a result of the amended complaint. Defendants' position is that Plaintiff may not file a further amended complaint because the deadline for moving to amend pleadings was October 1, 2011, and in any event Defendants contend it is inappropriate for Plaintiff to file an amended complaint after the close of discovery.

3. Settlement.

Regarding settlement, Plaintiff has proposed to the Defendants that the parties attempt to resolve Plaintiff's claims through mediation. More specifically, Plaintiff has proposed that the parties exchange the names of mediators acceptable to them as a first step toward selecting a mediator. Defendants have this proposal under consideration.

Dated: May 30, 2012

Respectfully submitted,

/s/ Thomas E. Kurth

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**ATTORNEYS FOR DEFENDANTS STUDIO
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CERTIFICATE OF CONFERENCE

On the afternoon of May 30, 2012, Plaintiff submitted a draft status report to Defendants. Defendants responded with their comments. Plaintiff submitted a revised draft that incorporated some, but not all, of Defendants' comments. Defendants responded with additional comments and reiterated their previous comments. A status report that did not incorporate all the Parties' comments was inadvertently filed. Defendants believe that this Revised Joint Status Report incorporates all of the Parties' comments.

/s/ Thomas E. Kurth

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing is being served on counsel of record for all parties via the Court's ECF system.

/s/ Thomas E. Kurth